

In The Matter Of:
WALTER ELAM v.
CONCOURSE VILLAGE, INC.

LETITIA BOWRY
May 25, 2016

Cindy Afanador

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1 L. BOWRY

2 Q. So I'll ask again, have you
3 seen this document before?

4 A. Yes.

5 Q. When did you see it?

6 A. (No audible answer.)

7 Q. I'm sorry. Can you answer the
8 question without looking at it?

9 A. Okay. I think it was in --
10 between April and May.

11 Q. Of what year?

12 A. 2016.

13 Q. I'm directing your attention to
14 page ten of the document. Is that your
15 signature?

16 A. Yes.

17 Q. Did you provide the answers
18 that were contained in this document?

19 A. Yes.

20 Q. And when you provided those
21 answers were they true and correct?

22 A. Yes.

23 Q. Did you read any witness
24 statements before the deposition?

25 A. No.

1 L. BOWRY

2 They said you are the best president that
3 Concourse Village ever had, we need your
4 help, don't you see we're going down.

5 Q. They missed you?

6 A. And I told them -- I said, no.

7 Q. What were some of the
8 complaints that the shareholders were
9 bringing you?

10 A. The floors were dirty, the
11 grounds were dirty. We have people that
12 are walking in our buildings, don't have
13 the keys, don't live here, situation like
14 that.

15 Q. And by people walking in
16 without keys, are you referring to
17 strangers?

18 A. Yes.

19 Q. Non-residents?

20 A. Non-residents.

21 Q. Non-employees?

22 A. Non-employees.

23 Q. Just some people off the
24 street?

25 A. Know people in the building and

1 L. BOWRY

2 A. Yes, maintenance also.

3 Q. Both maintenance?

4 A. Yes.

5 Q. And to whom do they report?

6 A. They report to Mr. James.

7 Q. Does anybody else report to
8 Mr. James directly?

9 A. I would like to say maintenance
10 men.

11 Q. The maintenance men you're
12 referring to are those who are under Calvin
13 Reed?

14 A. Under both of them, Calvin and
15 Mr. Walter.

16 Q. And Walter?

17 A. Yes.

18 Q. Is there a current stockroom
19 supervisor?

20 A. Yes, well, he's a stockroom
21 clerk, not a supervisor.

22 Q. So the title is a stockroom
23 clerk?

24 A. Yes.

25 Q. Where does the stockroom clerk

1 L. BOWRY

2 work?

3 A. Where does he work, inside the
4 stockroom.

5 Q. Does anybody else work inside
6 the stockroom?

7 A. No, not as far as I know.

8 Q. And who is the current
9 stockroom clerk?

10 A. I can't remember his name.

11 Q. Okay.

12 A. And I know him.

13 Q. It happens.

14 In your thirty years at
15 concourse has the stockroom clerk ever had
16 another title?

17 A. The only thing that I know um,
18 supervisor, supervisor.

19 Q. The stockroom clerk was once
20 the supervisor?

21 A. Yes.

22 Q. When did that title change?

23 A. When that title change -- I
24 think when he was terminated.

25 Q. He, you mean Walter Elam?

1 L. BOWRY

2 regulations written anywhere?

3 A. I am not certain.

4 Q. Have you ever seen them?

5 A. I am not certain that I have.

6 Q. Do these rules cover
7 performance guidelines?

8 A. I would like to think so due to
9 management have pointed out men to me that
10 he thought was very well in that capacity
11 of, you know, maybe getting an increase or
12 something of that sort because their
13 performance was good.

14 Q. But you never have seen any
15 written document of Concourse performance
16 policies?

17 A. I can't remember that I ever
18 saw one, no.

19 Q. Okay. What about sick leave
20 policy, are those written anywhere?

21 A. I'm quite certain there is, but
22 I'm not privy to that. I was not privy to
23 that and I don't know anything about that.

24 Q. What do you mean when you say
25 that you were not privy to Concourse's sick

1 L. BOWRY

2 A. No.

3 Q. How about discrimination
4 policy?

5 A. Oh, no. We don't do that
6 there.

7 Q. You don't have a discrimination
8 policy?

9 A. I'm quite certain they probably
10 have, but, you know, I'm not aware of that.

11 Q. You've never seen it before?

12 A. I've never seen it, no.

13 Q. And like the sick leave and the
14 performance policy, it wouldn't be
15 something that you would look for?

16 A. No.

17 Q. What about medical leave
18 policy?

19 A. No, the only medical leave --
20 medical policy that I was involved in as a
21 board president was Calvin Reed to renew
22 his health coverage. That's it.

23 Q. Okay. Is there an employee
24 handbook? Are you familiar with that
25 concept?

1 L. BOWRY

2 A. They were the management agent.

3 Q. The management agent?

4 A. Yes.

5 Q. How long have they been the
6 management agent?

7 A. Before I got on the board, I
8 say, approximately, three to four years.

9 Q. Do you know who the management
10 agent was before that?

11 A. I know the manager, Ms. Des,
12 but I can't remember the company's name.

13 Q. Okay.

14 A. But that was before I got on
15 the board.

16 Q. And are you -- did you say
17 that Inn Companies won't be the managing
18 agent sometime soon?

19 A. Yes, yes.

20 Q. Why is that?

21 A. Their performance was not up to
22 par for what we expect at Concourse
23 Village.

24 Q. What did they do wrong?

25 A. What they didn't do wrong?

1 L. BOWRY

2 Q. What would be the easier way
3 for you to answer that?

4 A. A lot of things that was not
5 right that, you know, that we have spoken
6 about -- that, you know, we had expected
7 better and it was not done --

8 Q. Who should have done a better
9 job?

10 A. Inn should have done a better
11 job for the corporation.

12 Q. Any employees in particular?

13 A. No, just Inn should have put
14 down their laws to the employees that work
15 in Concourse Village and say what they
16 expect and what they didn't expect.

17 Q. So you can't identify a
18 particular Inn employee who made mistakes?

19 A. No.

20 Q. Did She rill Henry make any
21 mistakes?

22 A. Well, you know we all do make
23 mistakes but Ms. Henry was good. Ms. Henry
24 was a good employee.

25 Q. For the sake of this

1 L. BOWRY

2 conversation, when I say "make mistakes"
3 I'm just referring to performance not being
4 up to par?

5 A. No, her performance was up to
6 par.

7 Q. And Len Jones, was his
8 performance up to par?

9 A. Oh, yes, he's up to par.

10 Q. So, again, you can't identify
11 an individual at Inn who wasn't up to par,
12 just Inn as a company wasn't up to par?

13 A. Just Inn as a company.

14 Q. Okay. So I know there's a lot.
15 But can you give me an example of something
16 that they weren't up to par with?

17 A. Example? We are supposed to
18 have six and-a-half individuals working in
19 the management office. At times it was
20 only three, three and-a-half, sometimes
21 four.

22 Q. Am I understanding --

23 A. So we had --

24 Q. -- that you're paying for six
25 but getting three?

1 L. BOWRY

2 A. So we had a skeleton crew for
3 over a year and paying every month the full
4 amount. And when I point that out to them,
5 I say I can't do this.

6 Q. You're paying for flesh and
7 blood and getting bones?

8 A. That's right. That's right.
9 We're not doing business like this.

10 Q. What other problems did Inn
11 have?

12 A. Well, that was -- that was --
13 and again, Concourse Village paid Inn to
14 advertise to get people in here to work.
15 Inn would take the money, advertise, get
16 people to work, and then move these
17 individuals after a couple of months to
18 another site without replacing them in
19 Concourse Village.

20 Q. Why was that a problem?

21 A. It's a problem because you
22 can't just take people from there and don't
23 replace them. We don't have enough people
24 to work with.

25 Q. Okay. Were there any other

1 L. BOWRY

2 A. Well, when people make
3 complaints, I think it's my responsibility
4 to check it out to see if what they're
5 saying is true or not true. So I visit the
6 areas. So I am familiar with the entire
7 Concourse Village and the buildings.

8 Q. Could you describe the
9 maintenance office for me?

10 A. When you come into the door,
11 the foyer -- you would find the foyer. You
12 would find the men's card to clock in.
13 Then you would find a clock there. I'm
14 made to understand they just got that where
15 it is a face recognition. And then on that
16 side, it's -- you look inside and you see
17 the two dispatchers sitting there. And you
18 come in -- when you come into the
19 dispatchers area, just behind the
20 dispatchers area is the director's office.

21 Q. Have you ever seen anything
22 related to the Family and Medical Leave Act
23 in the maintenance office?

24 A. No.

25 Q. You've never seen --

1 L. BOWRY

2 A. No.

3 Q. Any flyers?

4 A. No.

5 Q. Any posters?

6 A. No.

7 Q. Letters?

8 A. No.

9 Q. Anything related to the Fair
10 Labor Standards Act?

11 A. No.

12 Q. No posters?

13 A. No.

14 Q. Do you know where an employee
15 would find out information related to the
16 Family Medical Leave Act?

17 A. I think they would go to
18 management or call Inn because that's the
19 HR. That's what I think. But that's it.

20 Q. Do you know if Concourse
21 Village employees were trained to contact
22 Inn if they had any issues regarding FMLA?

23 A. I don't know.

24 Q. Did you ever direct any
25 Concourse Village employees to provide, you

1 L. BOWRY

2 know, information on how they can find out,
3 information?

4 A. No, no.

5 Q. Do you know if James had done
6 that on his own?

7 A. I'm not sure.

8 Q. Do you know if any Concourse
9 Village employees does that on their own?

10 A. No.

11 Q. Do you know if Inn provides
12 the training?

13 A. If Inn provides --

14 Q. Provides any training on FMLA?

15 A. I'm not sure. I don't know. I
16 don't know.

17 Q. Do you know what Inn does?

18 MS. MUNSKY: Objection to form.

19 A. Um.

20 MS. MUNSKY: You can answer if
21 you understand the question.

22 A. I know they manage or they seem
23 to manage -- or the title that they got is
24 to manage, but that's it.

25 Q. So you know them -- strike

1 L. BOWRY

2 correct?

3 A. They're in the same building
4 and the stockroom is off by itself, yes.

5 Q. Who did Walter Elam report to
6 before Mr. James?

7 A. She rill Henry.

8 Q. And who did Calvin Reed report
9 to before Mr. James?

10 A. She rill Henry.

11 Q. And Walter Cory?

12 A. They all report to She rill
13 Henry.

14 Q. Moore too?

15 A. Yes.

16 Q. Who directed James to supervise
17 Walter Elam?

18 A. She rill Henry.

19 Q. And how do you know that?

20 A. Because Ms. Henry told me that
21 she is no longer supervising any
22 maintenance individual. Mr. James is here
23 to take that burden, that's what she said.

24 Q. So she told you that she's no
25 longer supervising maintenance individuals?

1 L. BOWRY

2 question or She rill Henry. I don't know.

3 Q. So what is the basis for you
4 believing that the stockroom supervisor was
5 under maintenance?

6 A. Because when he reports to
7 Ms. Henry, Ms. Henry told him, you no
8 longer report to me, you have to report to
9 Mr. James.

10 Q. Were you there at that
11 conversation?

12 A. No, but this is what Ms. Henry
13 said.

14 Q. Ms. Henry told you that?

15 A. Yes.

16 Q. When was it Ms. Henry told you
17 that?

18 A. A while back. I can't remember
19 the date.

20 Q. Was it around the time that
21 Mr. James was hired?

22 A. Could have been, yes.

23 Q. Was it after he was hired?

24 A. Yes, it has to be after.

25 Q. And what was the

1 L. BOWRY

2 responsibilities of the stockroom
3 supervisor?

4 A. That I -- I don't know. I
5 just know he was in the stockroom and he do
6 what he supposed to do. That's it. I
7 don't know.

8 Q. So you don't know what his
9 duties are?

10 A. No.

11 Q. Do you know what he was
12 supposed to do?

13 A. I know he was supposed to take
14 instructions from the maintenance director.

15 Q. From Mr. James?

16 A. Yes, Mr. James in order to run
17 that stockroom in a professional way.
18 That's all I can say.

19 Q. But besides that, you don't
20 know what he was responsible for?

21 A. No.

22 Q. Before April 20, 2015 did you
23 receive any complaints about Walter Elam?

24 A. Um, no -- no.

25 Q. Did you ever receive any

1 L. BOWRY
2 complaints about Walter Elam?

3 A. Um, yes.

4 Q. When was the first time?

5 A. I don't know.

6 Q. Well, you know it was after
7 April 20, 2015, correct?

8 A. No, I don't. No.

9 Q. Well, you testified that you
10 hadn't before April 20, 2015. But you also
11 testified that you've heard a complaint so
12 it had to be after April 20, 2015?

13 A. That I what? What did you say?
14 That I what?

15 Q. You just testified that you
16 hadn't received any complaint prior to
17 April 20, 2015, correct?

18 A. Hmm hmm, yes.

19 Q. But you also testified that you
20 had received complaints about him, correct?

21 A. I've testified that I have had
22 a plaintiff?

23 Q. That you had received
24 complaints about Walter Elam?

25 A. No, I never received any

1 L. BOWRY

2 complaints about Walter Elam.

3 Q. Nobody ever complained to you
4 that he wasn't doing a good job?

5 A. Yes, but way after April 20th.

6 Q. Okay. That was my question.

7 A. Okay.

8 Q. Whether you received it after
9 April 20, 2015, which you answered yes,
10 correct?

11 A. Yes.

12 Q. But you don't remember
13 precisely when you first received the
14 complaint?

15 A. No.

16 Q. It was in 2015, correct?

17 A. Hmm hmm.

18 Q. Was it between May and June
19 2015?

20 A. I'm not certain about --

21 Q. You're not certain?

22 A. I'm not certain.

23 Q. Was it the spring or summer of
24 2015?

25 A. It could have been in the

1 L. BOWRY

2 summer.

3 Q. It could have been in the
4 summer?

5 A. Yes, could have been.

6 Q. And who complained to you?

7 A. Maintenance men.

8 Q. Which?

9 A. Maintenance men in Concourse
10 Village.

11 Q. Specific names?

12 A. I don't remember who it is that
13 complained to me, but they did complain.

14 Q. Okay. So maintenance men not
15 Moore?

16 A. No, I mean the workers the
17 handymen or the --

18 Q. Not supervisors?

19 A. No.

20 Q. So supervisors didn't complain
21 to you, but a maintenance person did?

22 A. Yes.

23 Q. Did James ever complain to you
24 about Walter Elam?

25 A. Yes.

1 L. BOWRY

2 to do in order to fire a supervisor?

3 A. He has to have meetings with
4 him.

5 Q. Okay.

6 A. He has to write up papers on
7 him to prove that he have spoken with him
8 on these occasions. And after three
9 warnings and write-ups, he has a right to
10 terminate them.

11 Q. So after three written
12 warnings?

13 A. Yes.

14 Q. He would have the right to
15 terminate?

16 A. Yes.

17 Q. Can he terminate the person
18 independently or does he need to ask the
19 board?

20 A. No, he does not need to ask the
21 board if he can do termination. He can do
22 the termination; however, he must let the
23 board know what he has done.

24 Q. So he just needs to inform the
25 board. That's his only obligation?

1 L. BOWRY

2 A. Yes.

3 Q. Was it Anthony James that fired
4 Walter Elam?

5 A. No, it was She rill Henry,
6 myself, and about a couple of board
7 members.

8 Q. Okay. So what was the --
9 strike that.

10 Was your involvement in the
11 decision by virtue of you being the
12 president of the board?

13 A. Yes.

14 Q. Did you vote?

15 A. Vote to what?

16 Q. Terminate him.

17 A. No.

18 Q. Was there a vote?

19 A. No, there wasn't a vote.

20 Q. So could you tell me what
21 happened?

22 A. I got a -- we have a lot of
23 complaints about Walter Elam not taking
24 instructions. And when he's asked to
25 report to Mr. James, he would say that he

1 L. BOWRY

2 A. Mr. James.

3 Q. And what did he say?

4 A. He said that he would not take
5 instructions. He would not listen to me.
6 He comes in when he wants to come in. He
7 leaves when he wants to leave. He said, he
8 is going to pick up merchandise and he come
9 back with his empty hands with nothing.

10 Q. Did he say the words, and so he
11 should be fired?

12 A. Mr. James said if he cannot
13 take instructions, then it's pointless to
14 have him here.

15 Q. Who spoke next?

16 A. I did.

17 Q. And what did you say?

18 A. I told him -- no, it wasn't
19 me. It was She rill Henry that spoke next.
20 Ms. Henry told him that, you know, I asked
21 you to report to Mr. James. I asked you to
22 do certain things with Mr. James and you
23 refuse. And this is the consequences of
24 what happen.

25 Q. I'm sorry. Was Walter at that

1 L. BOWRY

2 director for them to sit down and see what
3 it is.

4 Q. So it's the director who
5 ultimately decides what's ordered?

6 A. Yes.

7 Q. And the director, you mean the
8 lead supervisor?

9 A. Yes.

10 Q. That was Anthony James?

11 A. Yes.

12 Q. And Anthony James became the
13 director after he was lead supervisor?

14 A. Yes.

15 Q. And Calvin Read, what did he
16 complain about?

17 A. That every time he goes to the
18 stockroom and we ask for things we didn't
19 have it. And we have millions of dollars
20 in the stockroom and we didn't have it.

21 Q. Is it that the stockroom didn't
22 have it or that he couldn't find it?

23 A. I don't know. That I don't
24 know, sir.

25 Q. What did you do with this

1 L. BOWRY

2 were the performance objectives?

3 A. He was told to give an
4 inventory sheet of everything that is in
5 there. He was told to label on the wall
6 what he has in front of each area and he
7 refused. He gave about six to eight pieces
8 of information that he written and was not
9 professional enough from a stockroom.

10 Q. Is it, in your opinion, that it
11 wasn't professional enough or is there a
12 written policy?

13 A. No, it is my opinion it wasn't
14 professional because I did stockroom clerk
15 for a liquor store. I know what to put
16 down, everything to put down, and then
17 label it, and turn it over the way it's
18 supposed to be done.

19 Q. So my question is, is it your
20 opinion that it wasn't professional or is
21 it violating some policy at Concourse?

22 A. No, it was Mr. James and
23 Ms. Henry's --

24 Q. Opinion?

25 A. Opinion that this was not

1 L. BOWRY

2 professional.

3 Q. And what made it not
4 professional?

5 A. Because, like I said, we have a
6 whole lot of things in the stockroom, how
7 can you only put down eight items and write
8 it in pen.

9 Q. Was that it, that it was
10 written in pen part of the problem?

11 A. I would like to think so, yes.

12 Q. So it was written in pen. That
13 was part of the problem, that there were
14 eight things and there were more than that
15 in the stockroom was part of the problem?
16 Was there any other problem with the
17 inventory sheet that Elam provided?

18 A. That wasn't an inventory sheet
19 that was a piece of paper that was pull out
20 and write some stuff on it.

21 Q. So that wasn't even an
22 inventory sheet in your opinion?

23 A. That wasn't an inventory sheet.

24 Q. It was an attempt in making an
25 inventory sheet, right?

1 L. BOWRY

2 A. Ms. Henry said if you don't
3 understand come and we'll sit with you and
4 tell you. He decide that no.

5 Q. Did he decide no in front of
6 you?

7 A. No, I'm just saying he decide
8 no, because he did not go to Ms. Henry, he
9 did not go to Mr. James.

10 Q. And how do you know that?

11 A. He just complained to others,
12 other shareholders on the plaza, which I'm
13 aware of because they have come to me and
14 tell me.

15 Q. How do you know that he didn't
16 go to Henry or James in order to find out?

17 A. Because Ms. Henry said he never
18 came to her.

19 Q. Was there anything else
20 concerning performance objectives that he
21 hadn't obtained?

22 A. It was not up to par.

23 Q. With respect to the inventory
24 sheet, we covered that. Was there anything
25 else?

1 L. BOWRY

2 would hear complaints regularly from
3 maintenance men?

4 A. I would hear complaints from
5 them. And I would advise them to go see
6 Ms. Henry.

7 Q. Did you ever learn of Walter
8 being suspended?

9 A. I think I heard something about
10 suspension, but I'm not too sure.

11 Q. What did you hear?

12 A. I think I hear that he was
13 suspended, but I'm not too sure.

14 Q. Who did you hear it from?

15 A. I think it's Ms. Henry.

16 Q. Ms. Henry told you that he was
17 suspended?

18 A. I think he was suspended before
19 I got on the board so, you know, when all
20 this thing came up, about, you know, the
21 stockroom, that's when she told me that --
22 you know, I think she told me that, you
23 know, he was suspended at one time.

24 Q. What was your official start
25 date on the board?

1 L. BOWRY

2 A. Me?

3 Q. Yes.

4 A. January 2015.

5 Q. So you don't know anything
6 about a June 30, 2015 suspension?

7 A. No.

8 Q. No?

9 A. No.

10 Q. Nothing about Walter Elam being
11 suspended around the end of June 2015?

12 A. No, I heard about it, you know,
13 but I just did not -- I went along.

14 Q. So you did hear about it?

15 A. I did hear that he was
16 suspended or supposed to be suspended, but
17 that's all I heard. I never asked why,
18 where, when. I didn't ask those questions.

19 MR. RIVERA: Can you mark this,
20 please as 6.

21 (Whereupon, the aforementioned
22 document was marked as Bowry Exhibit
23 6 for identification as of this date
24 by the Reporter.)

25 Q. I'm passing the witness a